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CERTIFICATE OF MAIL

I hereby certify that on 9/27/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Maria Nadal

Maria Nadal

PATENT

Applicant: **Harish Makker et al.**

Serial No.: **10/608,875**

Filed: **06/27/2003**

Title: **IOL Insertion Apparatus and Methods for Making and Using Same**

Examiner: **Bruenjes, Christopher P.**

Group Art Unit: **1772**

Atty Docket No.: **27542 (51308-00090)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REMARKS

Dear Sir:

The Applicant submits the following Amendment and Remarks in Response to the Office Action dated June 30, 2005 in the above referenced patent application and is being submitted within three months of the mailing date of the Office Action.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 9 of this paper.

REMARKS/ARGUMENTS

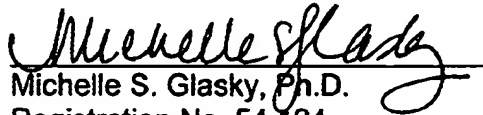
Claims 1-17 are presently pending. Claims 18-31 have been withdrawn without prejudice in response to a Restriction Requirement. The Applicants respectfully cancel claims 1-17 and submit new claims 32-50. New claims 32-50 are consistent with election made by the Applicants in their March 28, 2005 response. New claims 32-50 do not introduce new matter and find their support throughout the specification. The Applicants believe that new claims 32-50 better define the novel and non-obvious aspect of the invention and eliminate the means-plus-function language previously used; thus the Applicants believe that all outstanding 35 U.S.C. §112 second paragraph rejections of record are traversed. Moreover, the Applicants have thoughtfully considered the Examiner's 35 U.S.C §103(a) rejections of record and respectfully assert that these rejections are now moot in light of the Applicants' new claims. Thus the Applicants respectfully assert that new claims 32-50 are novel and non-obvious and therefore respectfully request the Examiner to allow claims 32-50 in his next official office action.

Additionally, typographical errors in the specification were corrected. No new matter was introduced as a result of the correction of the typographical errors.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 9/27/05


Michelle S. Glasky, Ph.D.
Registration No. 54,124

PRESTON GATES & ELLIS, LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902